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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,210	05/14/2001	Neil Parpart	10003642-1	9812

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,210

Applicant(s)

PARPART, NEIL

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11-16, 21, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts.

Roberts teaches an apparatus and method for managing a transaction. Roberts teaches using a transaction terminal with manual code reading means in the form of a bar code reader (column 7; lines 38-39) to wand a first bar code (Figure 2; number 51) to open a data packet in the data memory of the terminal. In addition a transaction code associated with the bar code is enter in to the data packet signifying a vendor or catalog identification code (column 8; lines 41-50). Examiner notes that the data packet of Roberts corresponds to Applicant's transaction file and wanding the first bar code corresponds to reading a machine readable vendor identity code.

Roberts teaches step two as wanding the bar code over a second bar code (Figure 2; number 52) which allows the user to select a product. The user is then able to scan a bar code associated with a desired product from a catalog. This product code is then appended to the data packet (column 8; lines 51-65) (reading a machine readable product identity code with scanning means and storing said product identity code in said transaction file).

Roberts further teaches when all the desired products have been entered, the user wands a bar code associated with the message "Swipe Card" (Figure 5; number 54). The user then

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swipes a credit card through a carder reader attached to the terminal. The card number is then appended to the data packet (column 9; lines 9-16). Examiner interprets the credit card number to be a user identity code and thus by swiping this card, the user is reading a machine-readable user identity code with scanning means and stores the user identity code in a transaction file.

Roberts next teaches the user wandling a bar code associated with the message "Done – Send Order" (Figure 5; number 55). The terminal responds by closing the data packet, dialing up a host computer and downloading the data packet to the host computer (column 9; lines 17-21). Examiner notes that the host computer of Roberts corresponds to Applicant's order center.

Claim 2, further includes an order center data network address stored in the memory element where the transaction file is sent over a data network to the order center network address. Roberts teaches that the transaction terminal includes a program storage device which stores both a command management program for managing the sequential entry and execution of program commands and a set of command execution routines. Each command execution routine is associated with a program command (column 3; line 63- column 3; line 3). Roberts further teaches, in the preferred version that a predetermined sequence of program commands includes a data transmit command. The command execution routine associated with the data transmit command includes a series of program steps for activating the data communication device to transmit data stored in the data storage device to the host computer (column 3; lines 30-38). Examiner interprets the data transmit command of Roberts to correspond to applicant's order center network address and the execution of this command (i.e. sending the data packet to the host computer) represents transmitting the transaction file over a data network to the order center network address.

Claim 3 further comprises receiving the transaction file at the order center, extracting vender identity code from the transaction file, determining a destination vendor data network address and forwarding the transaction file to the destination vendor data network address.

Roberts teaches that the host computer is able to recognize the meaning and significance of each of the data fields in the data packet. Particularly, since the host computer receives, with the data packet, an identification of the vendor and the transaction program involved, it is relatively simple to interpret the contents of the data fields. Once again the Examiner states that the transaction file corresponds to the data packet and the order center to the host computer. Therefore, it is clear that Robert teaches extracting the vender identity from the transaction file and determines a destination vendor data network address.

Roberts does not specifically include forwarding the transaction file to the said destination vendor data network address. However, Examiner notes that it is inherent to the system of Roberts that the data packet (transaction file) is forwarded to the vendor. Clearly, the host computer (order center) of Roberts is not the vendor and is thus not capable of supplying the user with the desired items. Therefore, for the user to receive those items the host computer (order center) must forward the transaction request to the vendor. There is no other way for the user to get the desired goods.

Claim 4 further comprises the scanning means having two ends, one with a reader and one with a connector. Figure 1 of Roberts shows the transaction terminal with Barcode wand, 21 or a reader and then a modem, which connects to the public telephone network (data network). The modem clearly represents a connector end.

Claims 11, 12 and 14 further comprises using a vendor mode switching means to place scanning means in a vendor mode prior to reading vendor identity code and vendor mode indicator means for indicating that scanning means is in the vendor identity mode, using a user mode switching means to place scanning means in a user mode prior to reading user identity code and user mode indicator means for indicating that scanning means is in the user identity mode, using a product mode switching means to place scanning means in a product mode prior to reading product identity code and product mode indicator means for indicating that scanning means is in the product identity mode, and using a order mode switching means to place scanning means in a order mode and order mode indicator means for indicating that scanning means is in the order mode. Once again Examiner relies on Figures 2 and 5; numbers 51, 52, 54, and 55. In particular, Roberts teaches the user wandling one of the previously mentioned bar codes in order to place the terminal in the corresponding mode. In addition, Roberts teaches the terminal with a display for providing user with messages. For example when user scans the bar code associated with Figure 2; number 51 the terminal displays a request for a vendor ID (column 8; lines 41-50). Examiner notes that the messages displayed represent an indicator means and wandling the appropriate bar code represents a switching means.

Claim 14 further includes an operable vendor mode button, operable user mode button and operable product mode button. Roberts teach another variation of the invention would be to structure the command manager routine so that wandling of the select product and enter quantity bar codes did not have to be repeated. This could be done by temporarily storing these commands in program command buffers so the customer could repeat each of them by hitting a single key. Clearly this represents mode buttons as part of the terminal.

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Claims 15 and 16 further comprises receiving a transaction confirmation signal with confirmation indicator means from order center upon receipt of transaction file. Roberts teaches after the terminal dials up the host computer and downloads the data packet; the host sends back a command that causes the terminal to display the total dollar value and ask for a confirm or cancel data entry. The host may also send a final acknowledgement and process complete (column 9; lines 20-27).

Claim 21 further comprises activating order status switch means to transmit an order status request over the data network. Receiving order status request with a peripheral device. Once again Examiner relies on Roberts column 9; lines 15-25, in which the user scans a bar code associated with "send order" and receives confirmation from the host computer (order center). In addition, Examiner also points to Roberts column 14; lines 58-59, that teaches a simple printer device could be used to record the transaction as it is entered and sent. This clearly represents a peripheral device.

Claims 26 and 29 represent the apparatus for performing the above detailed method. As Roberts teaches the method for using the apparatus, the apparatus for performing the method is thus, likewise rejected as anticipated in view of Roberts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 5-10, 17-20, 22-25, 27-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Waxelbaum et al.

Roberts (as described in detail above) does not teach connecting scanning means to a cradle module. Waxelbaum et al teaches a hand held code reader as part of a portable data collection system with a docking station to provide an interface with the host terminal. The docking station may include a cradle adapted to receive and secure the mobile handheld reader. (e.g. column 3; lines 33-45 and Figures 1, 2, 3, and 4(b)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the transaction terminal of Roberts to include a cradle to provide a secure interface with the host computer as taught by Waxelbaum.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JAK

James A. Kramer
Examiner
Art Unit 3627


Richard Chilcot
Supervisory Patent Examiner
Technology Center-2850
3102